

ZB# 99-4

Ral Plumbing

65-2-16.1

Prelim.

February 8, 1999.

Amend NOD. from B.D.
Notice to Sentinel 3/25/99.

Public Hearing.

Apr. 26, 1999.

Sign Variances

Approved.

Refund: \$385.00

#99-4- RAL Plumbing - Area-Sign

Sign 65-2-16.1.

WILSON-JONES • ACCOUNTS • BUSINESS OUTGOING • PREPRINTED RECEIPT

© Wilson-Jones, 1989

DATE Feb 24, 1999 **RECEIPT** 037552

RECEIVED FROM Lizzie Realty, LLC

Address _____

One Hundred fifty 00/100 DOLLARS \$ 150.00

FOR Zoning Board - 94-4

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH #	100
AMOUNT PAID		CHECK	150.00
BALANCE DUE		MONEY ORDER	

Town clerk

BY Dorothy H. Hanger

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Gyman David
(RAL Plumbing Supply)

FILE# 99-4

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

1021
2/24/99
Pd.

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

1022
2/24/99
Pd.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 2/8/99 - 7 \$ 31.50

2ND PRELIMINARY- PER PAGE 4/26/99 - 3 \$ 13.50

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 45.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 2/8/99 \$ 35.00

2ND PRELIM. 4/26/99 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING. \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 115.00

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT \$ 385.00

Refund

Date 5/13, 1999.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO David Berman DR.

c/o Lizzie Realty, Inc.
 P.O. Box 429
 Middletown, N.Y. 10940.

DATE

CLAIMED

ALLOWED

5/13/99

Refund of Escrow # 99-4

* 385.	00
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Approved: Patricia A. Bamhart
ZBA.

1021

LIZZIE REALTY, LLC

P.O. BOX 429
MIDDLETOWN, NY 10940

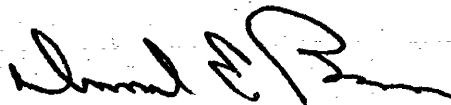
DATE 2/23/99

50-235
219 607BY THE
ORDER OFTown of New Windsor
One hundred fifty + 00/100

\$ 150.00

DOLLARS THE
BANK OF
NEW
YORKRoute 211 East Orange Place
Middletown, NY 10940

OR #99-4 ZBA



⑈001021⑈ ⑆021902352⑆ ⑆6801475432⑈

1022

LIZZIE REALTY, LLC

P.O. BOX 429
MIDDLETOWN, NY 10940

DATE 2/23/99

50-235
219 607BY THE
ORDER OFTown of New Windsor
One hundred + 00/100

\$ 500.00

DOLLARS THE
BANK OF
NEW
YORKRoute 211 East Orange Place
Middletown, NY 10940

#99-4 - ZBA



⑈001021⑈ ⑆021902352⑆ ⑆6801475432⑈

In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

**DAVID E. BERMAN-RAL SUPPLY
(LIZZIE REALTY L.L.C.)**

AREA VARIANCE

#99-4.

WHEREAS, DAVID E. BERMAN (LIZZIE REALTY L.L.C.), 24 Dunning Road, Middletown, N. Y. 10940, has made application before the Zoning Board of Appeals for a 64 sq. ft. sign variance for a freestanding sign on a commercial building, and a variation of Section 48-18H 1 (a), Supplemental Sign Regulations, at 389 Windsor Highway in a C zone; and

WHEREAS, a public hearing was held on the 26th day of April, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by David Berman; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located on a busy state highway in a neighborhood of commercial properties.

(b) The Applicant proposes to change the design of and increase the size of the existing freestanding sign. Originally the Applicant proposed to place a second freestanding sign on the property but that proposal has been withdrawn.

(c) The sign as it is proposed if approved will be similar to other signs in the

neighborhood and will be smaller than some that exist in the neighborhood.

(d) The proposed sign will have interior illumination but will not be flashing nor will it have neon.

(e) The proposed sign will not impede the vision of motorists entering or leaving the property and so will not be a traffic hazard.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations, but nevertheless are warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance as previously stated is reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 64 sq. ft. sign area variance for a freestanding sign on a commercial building located at 389 Windsor Highway, in variation of Section 48-18H 1 (a) of the Supplemental Sign Regulations, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 14, 1999.


Chairman

Date 5/5/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

TO DR.

		CLAIMED	ALLOWED
7	Zoning Board Mtg	75.00	
	Misc - 2		
	Paulik - 4		
	Heredia - 8		
	Pierri - 2		
	Bila - 15		
	Boscino/Guardian Storage - 7		
	Berman - 3 13.50		
	Francon - 4		
	45	202.50	
		277.50	

PUBLIC HEARINGS

BERMAN, DAVID

MR. NUGENT: Request for 64 square foot sign area variance for freestanding sign at RAL Supply located at 389 Windosr Highway in C zone.

Mr. David Berman appeared before the board for this proposal.

MR. NUGENT: Let the record show there's no one here for David Berman's public hearing.

MR. BERMAN: Good evening, hello everybody, when I was here last time, we talked about, had made application for additional sign of equal size to the sign that we already had and at the suggestion of the members of the board, we re-did our plans for additional sign to incorporate it into the existing sign doubling in size and made application for it, you asked me to come back for a public hearing. So just as a reminder, that's our site, that's our existing sign and the head of sign would just be twice the sign as opposed to having two of them that would be mounted on the same pole that's already there.

MR. NUGENT: You're going to make your sign twice the size, basically?

MR. KANE: And eliminate one?

MR. BERMAN: Yes.

MR. KANE: Current sign that you are going to be having is going to be equal to other signs that are in the area similar?

MR. BERMAN: I think it's very similar and smaller than some that exist, pretty close.

MR. KRIEGER: When you say it's illuminated, that's interior illumination, that's a steady light, it's not flashing, it's not neon?

MR. BERMAN: That's correct.

MR. KANE: This is the minimum variance that you need for this sign?

MR. BERMAN: That's correct and I would appreciate your consideration.

MS. BARNHART: Let the record show that we did send out 19 addressed notices to adjacent property owners.

MR. NUGENT: Are there any further questions?

MR. TORLEY: Just one for the record, additional sign area you're requesting change in size of sign but you're not impeding the vision entering or leaving the property?

MR. BERMAN: That's correct, we looked at it, we had the sign folks, Mike's office was kind enough to take a look at it to make sure that that would be the case.

MR. KRIEGER: Is this proposed sign, would it be any higher than the existing sign?

MR. BERMAN: No, the additional piece that's coming in fact is coming off the bottom portion of it.

MR. KRIEGER: Okay and that sign isn't any higher than the building?

MR. BERMAN: That's correct.

MR. KANE: Mr. Chairman, accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we approve the application of David Berman for his requested sign variance.

MS. OWEN: Second it.

ROLL CALL

MS. OWEN

AYE

April 26, 1999

40

MR. TORLEY
MR. KANE
MR. NUGENT

AYE
AYE
AYE

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

David Berman/RAL Supply,
Applicant.

#99-4.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 4/5/99, I compared the 19 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
7th day of April, 1999.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999

Pls. publish immediately. Send bill to RAL Supply @ below address.

PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 4

Request of David Berman (Lizzie Realty L.L.C.)

for a VARIANCE of the Zoning Local Law to permit:

one additional freestanding sign, double-faced,
for RAL Supply;

being a VARIANCE of Section 48-18 - Supplementary Sign
Regulations

for property situated as follows:

389 Windsor Highway (formerly Rosenbaum's), New Windsor,
N.Y. 12553

known as tax lot Section 65 Block 2 Lot 16.1.

SAID HEARING will take place on the 26th day of April,
1999, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent.
Chairman

By: Patricia A. Barnhart, Secy.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4630
Fax: (914) 563-4693

~~20~~ 15

Office of Assessor for the Town

February 25, 1999

Mr. David Berman
% Lizzie Realty LLC
P O.Box 429
Middletown, NY 10940

Re: Tax Parcel: 65-2-16.1

Dear Mr. Berman:

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property.

The charge for this service is \$35.00, less your deposit of \$25.00. Please remit the balance of \$10.00 to the Town Clerk at the above address.

Sincerely,

LESLIE COOK
Sole Assessor

/pab

Attachment

cc: Pat Barnhart, ZBA

65-2-12,35,36

Bila Family Partnership X
158 N. Main Street
Florida, NY 10921

65-2-23

Joan A. Shedden X
Box 608A
Vails Gate, NY 12584

65-2-13

Frederick J., Madison, X
Samuel & Audrey Kass
367 Windsor Highway
New Windsor, NY 12553

65-2-24

John Aquino & Gregory Mellick X
9 Hawthorne Place, Apt. 2N
Boston, MA 02114

65-2-14

Walter Kroposki Living Trust X
Amelia Kroposki
Quaker Hill Rd. - Box 731
Monroe, NY 10950

65-2-25, 28

The Vails Gate Fire Company X
P. O. Box 101
Vails Gate, NY 12584

65-2-15

Blix Corporation X
P. O. Box 1002
Highland Mills, NY 10930

65-2-26

Vails Gate Methodist Cemetery X
P. O. Box 37
Vails Gate, NY 12584

65-2-16.21 & 16.22

Charles T. & Rose M. Daidone X
250-260 Temple Hill Road
New Windsor, NY 12553

65-2-26

Vails Gate Methodist Church X
c/o Treasurer
P.O. Box 37
Vails Gate, NY 12584

65-2-20

Norstar Bank of Upstate N. Y. X
Facilities Management
P. O. Box 911
Newburgh, NY 12550

65-2-29

Sorbello, Bouyea, King X
c/o Robert K. Bouyea
505 North Riverside Road
Highland, NY 12528

65-2-30

Tower Management Financing X
Partnership LP
680 Kinderkamack Road
Riger Edge, NJ 07661

65-2-34

Albany Savings Bank X
94 Broadway
Newburgh, NY 12550

72-8-1

Mr. Bill Slack, Chairman X
Board of Directors
Kingswood Gardens Condominium
810 Blooming Grove Tpk.-Unit 114
New Windsor, NY 12553

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: March 30, 1999

APPLICANT: David E. Berman (Lizzie Realty L.L.C.)
24 Dunning Road
Middletown, New York 10940

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 12/1/98

FOR : 1 Freestanding sign, 128 sq. Ft. total of 2 sides

LOCATED AT: 389 Windsor Highway

ZONE: C **Sec/ Blk/ Lot:** 65-2-16.1

DESCRIPTION OF EXISTING SITE: Ral Plumbing Supply

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18 H 1 (a) one free standing sign is permitted total of all faces not exceed 64 sq. Ft. proposed sign is 128 sq. Ft.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: C **USE:**

SIGN: 1 Freestanding sign

FREESTANDING: 1-64 sq. Ft.

1-128 sq. Ft.

64 sq. Ft.

HEIGHT:

WIDTH:

WALL SIGNS:

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

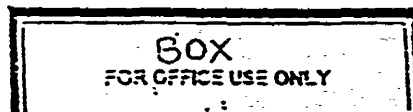
1. When excavating is complete and footing forms are in place before pouring.
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises LIZZIE REALTY LLC c/o DAVID BERNMAN
 Address RALSVOLET -24 DUNNING RD Phone 914-343-1456
 Mailing Address P.O. BOX 425 MIDDLETOWN, NY 10940
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor SHAW LANGRISH
 Address WILSONVILLE GILL Phone _____
 State whether applicant is owner, lessee, agent, architect, engineer or builder _____
 If applicant is a corporation, signature of duly authorized officer. Shaw P. Langrish

Name and title of corporate officer



1. On what street is property located? On the EAST side of Windsor Highway
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone?
Y _____ N ✓

3. Tax Map Description: Section 65 Block 2 Lot 16.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy WHOLESALE RETAIL b. Intended use and occupancy
WHOLESALE RETAIL

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor

Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$,000 Fee _____

11. School District _____ To be Paid on this Application

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspector: Frank Usi
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4818
(914) 563-4895 FAX

Sign Law
Slog Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

PERMIT TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

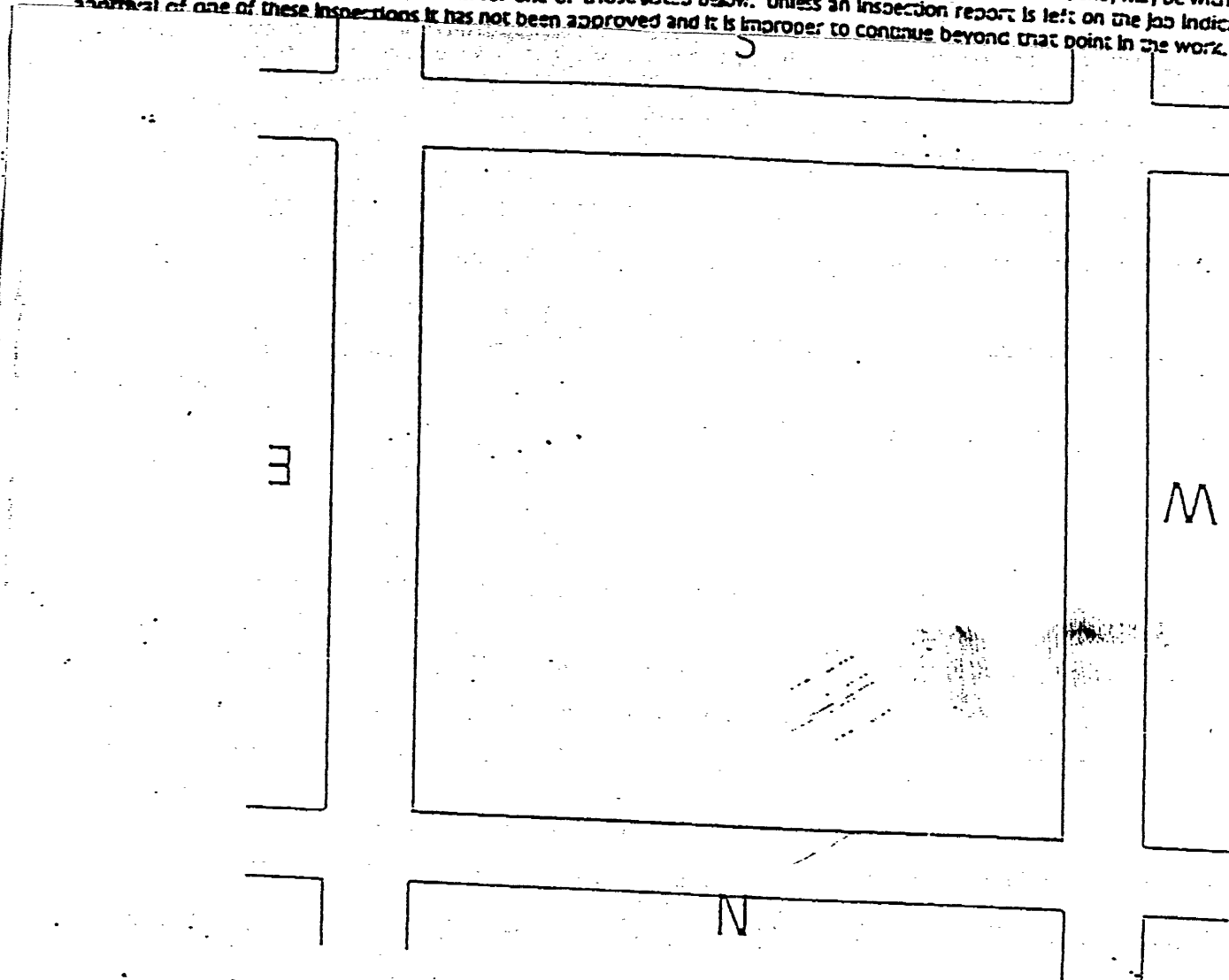

Signature of Applicant

P.O. Box 429 Middletown NY
Address of Applicant

PLOT PLAN

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any



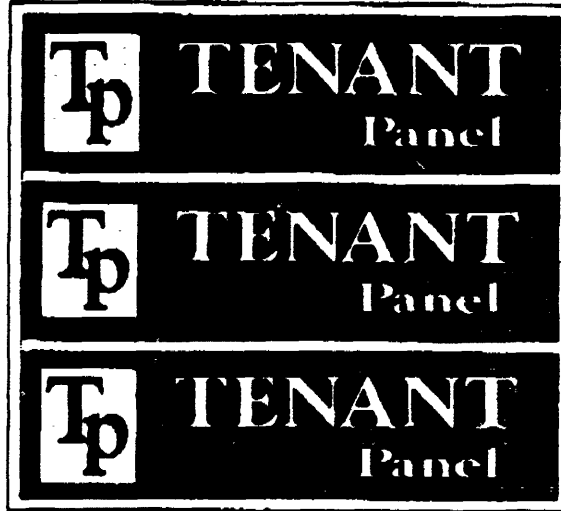
NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

Sign Language

32 SQ. FT.
ILLUMINATED FREESTANDING SIGN

6'

64"



15'

Designed Exclusively for:	DAVID BERMAN	Date: NOVEMBER 25, 1998
Address:	NEW WINDSOR, NY	Phone: 343-1456
The Prices, Specifications, and Conditions as Described are Satisfactory and are Hereby Accepted. You Are Authorized to do the Work as Specified. Signature _____		50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION

Number of bedrooms

Baths

Toilets

cc: D. Belman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-4.

Date: 2/24/99.

I. ☒ Applicant Information:

- (a) DAVID BELMAN (1224 RYAN) P.O. Box 429
(Name, address and phone of Applicant) (Owner)
- (b) M. D. (JUN) N.Y. 10940
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. ☒ Property Information:

- (a) C 389 Windsor Heights 6 1/2 / 16.1
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 5/98
- (e) Has property been subdivided previously? _____
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No x.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:.

(You may attach additional paperwork if more space is needed)

✓VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Supp. Sign Regs. Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>64 Sq ft.</u>	<u>128 Sq ft</u>	<u>64 Sq ft</u>
Sign ..	<u> </u>	<u> </u>	<u> </u>
Sign 3	<u> </u>	<u> </u>	<u> </u>
Sign	<u> </u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>

✓(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

Ex? am, Ex 123.4, Sign 5 am 64 Sq ft
50 128 Sq. ft.

✓(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

64 Sq ft.

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

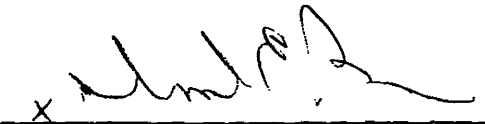
- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: Feb. 24, 1999.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

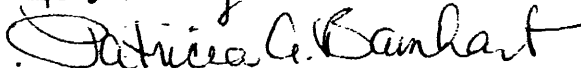
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.



(Applicant)

Sworn to before me this

24th day of February, 1999.



PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 2/13/77, 19...

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

DATE			CLAIMED	ALLOW.
2/8/99	Zoning Board Mtg		75.00	
	Misc - 2			
	Berumen - 7	\$31.50		
	Cocchia - 2			
	Hirth - 7			
	<u>18</u>		81.00	
			<u>156.00</u>	

PRELIMINARY MEETING:

BERMAN, DAVID

MR. NUGENT: Request for variation of Section 48-18H(1)(a) to permit one additional, double-faced, freestanding sign of 64 sq. ft. at 389 Windsor Highway (RAL Plumbing Supply) in a C zone.

Mr. David Berman appeared before the board for this proposal.

MR. BERMAN: As you may know, we occupy these premises, some months ago, we rebuilt the building that was there and we recently received approval from the Town Planning Board to renovate the space in the lower level of the building. Let me just, I have some photos here, this is a shot of the building for anybody who's not familiar. And on the south side of the building, that is looking at coming north on Route 32, we had just received Planning Board approval to take this space down here and convert it into retail and storage space, combination of the two. And this would all become glass front and there would be parking around the rear, this is going to be a driveway that's going to be completed because the property next door is also being rebuilt, that's coming down and there's a new drugstore goes in there.

MR. NUGENT: Rite-Aid.

MR. BERMAN: This is kind of the second stage of the overall improvement of the property that we bought. As you can see from these photos, this is the sign we put up when we opened our facility, it's a two sided illuminated sign, in fact, interesting enough, we found on the site that there were two signs there at one time, in fact, there's two driveways on this side and there were two signs, there's a base and the inground structure for the two signs had been there. The situation that we have now is that if we have tenants in this other space down below, there's no way of identifying them on the street. And what we're asking permission to do is to erect another sign in the context that there are two driveways on the property

we'd have one sign near one driveway where in fact one had been previously, not sure if it was legal or not or what have you, and one sign at the other driveway and I can only tell you that we have made a general attempt and will continue to try to make this into a real showcase type property on the street. But again, for someone to be a tenant on the main street type facility without having some road signage is really very, very difficult process kind of there and not there at the same time.

MR. NUGENT: Are we going to have additional signage on the building itself at that location?

MR. BERMAN: To my understanding, we're permitted to have signage above and I think it's ten feet, the way we have the aerial sign above and that's within the code as well, in other words, you're permitted one freestanding sign of 64 and one sign of--

MR. NUGENT: 2 1/2 x 10.

MR. BERMAN: That's complying.

MR. BABCOCK: He's allowed one for each tenant.

MR. BERMAN: We don't know how many tenants will be there, but I'm certain without any doubt it will not exceed three. I think it will be one or two. And but in any event, we have the sign has been designed because it's the same basic sign that we have now that can be turned either way, either 4 x 6 or 6 x 4 and so it was conceived if there were two tenants at maximum, it would be standing that way and they'd each have a panel. Obviously, if it was one or two, it could be turned either way as well.

MR. NUGENT: You wouldn't consider putting that in the ladder type sign underneath yours?

MR. BERMAN: You know, I didn't conceive of it that way and I would consider it.

MR. TORLEY: I'd rather see one larger sign than two.

MR. NUGENT: Yeah, well, I just think it would be confusing.

MR. BERMAN: In fact, I think what drove me to do it there was a post for the sign already on the other driveway and I just said to myself that would make sense. And in fact, when I conceived of that, I thought of taking the head of ours and putting this because this will be closer to our entrance, but I would certainly consider doing it all as one, I don't think it makes, I mean, whatever you think aesthetically. I'm concerned about the property looking right. You can see the kind of money we put in there, that's a real primary concern.

MR. NUGENT: I've been in the place. I don't know and I make that suggestion, I don't know how high that existing sign is.

MR. BERMAN: I'm looking for help to the expert, do you know how high the sign is now from the previous? I know what it is, it's the one that is proposed is 15 feet, so this one is shorter than 15 feet here it is, right, this one must be 14 feet because the sign is turned this way.

MR. NUGENT: Only problem with that if you ladder it, you may end up too close to the ground.

MR. BERMAN: Is that the maximum, what's the height?

MR. NUGENT: What's the height, Mike?

MR. BABCOCK: Maximum of 15 feet, but there's no minimum height, but you can't block vehicle traffic pulling in and out.

MR. TORLEY: If it's in that spot, I don't think it's close to any of the driveways.

MR. NUGENT: It's right in the middle, that one's roughly in the middle of the driveway, right?

MR. TORLEY: We're talking if you put ladders on the bottom of that one.

MR. BERMAN: This one is just north of the southern entrance to the property.

MR. NUGENT: It's not in the middle, you're actually, RAL sign on the building is the middle of the property.

MR. TORLEY: This one is a long way from the entrance and exit. Mike would be a better judge, you can probably go all the way to the ground on that.

MR. BABCOCK: Well, typically, even though it's in between the access ways looking up the street, especially with that on 32 with the suicide lane, I would say that you'd be better off, I don't know what if you added another 64 square feet to that, do you know how low it would be?

MR. BERMAN: Let's look at it.

MR. BABCOCK: Five foot is fine.

MR. BERMAN: It would be roughly five foot off the street.

MR. BABCOCK: Yeah, five foot would be fine, any car, I mean, it may be a big truck you would get some type of blockage, but other than that five foot is typical height.

MR. TORLEY: Remember when this process was going through there were several variances granted on this property? I don't recall.

MR. BERMAN: Not this property. This is Rosenbaum property.

MS. BARNHART: They were going to put a dental clinic and it didn't go through.

MR. TORLEY: Did they ever get the variances they wanted?

MR. NUGENT: No, we never gave variances.

MR. BERMAN: We made no application.

MR. NUGENT: We gave variances for the building next door.

MR. TORLEY: My mistake.

MR. BERMAN: This was going to be the only thing I was going to ask for.

MR. TORLEY: Is the sign that's there now, is that one already out of code?

MR. BABCOCK: No, actually, he has a permit for it and I just looked that up cause I figured maybe you'd say it, but what we did was not knowing the height, we put down there 15 foot maximum, we knew that it was less than that, but we, I don't know how much less.

MR. TORLEY: I'm not worried about the sign height, I'm thinking of the sign area.

MR. BABCOCK: It's four foot by eight foot.

MR. NUGENT: And that is exactly right.

MR. TORLEY: I think you had a good idea, just ladder it below.

MR. NUGENT: As you get the tenant, add onto the ladder.

MR. BERMAN: It would probably be less expensive as well.

MR. NUGENT: You've got the pole.

MR. BERMAN: And the electric, I think as long as it's not a, people can see it, and we don't have a danger problem, a visibility problem, I'm very very happy to go that route.

MS. BARNHART: You have to amend the Notice of Denial.

MR. BABCOCK: Sure.

MR. TORLEY: So then just sign area variance, not number of signs.

MR. NUGENT: Right.

MR. REIS: Not necessarily because he's allowed certain amount of footage per tenant.

MR. BABCOCK: Yeah, if we call it one sign, he's at his maximum number now.

MR. NUGENT: Area he would need area, not height or anything else?

MR. BABCOCK: Right, he's allowed 64 square feet, he'd be double that, just do it in square footage.

MR. TORLEY: Entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move that we set up Mr. Berman for a public hearing on his requested variance for sign area on his property for freestanding sign.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. NUGENT: Mr. Berman, get together with Mike and go over your numbers, he'll change them to whatever it has to be on this one for us.

MR. BERMAN: Do you want me to leave these photos or bring them back?

MR. NUGENT: You can bring them back.

MS. BARNHART: You can bring them back or I will put

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8

them in the folder.

MR. BERMAN: I'll bring them back.

MR. KRIEGER: Make sure in doing the plans that you get enough because if you are in the event when you build it if you turn out you're an inch short or something, it isn't expandable.

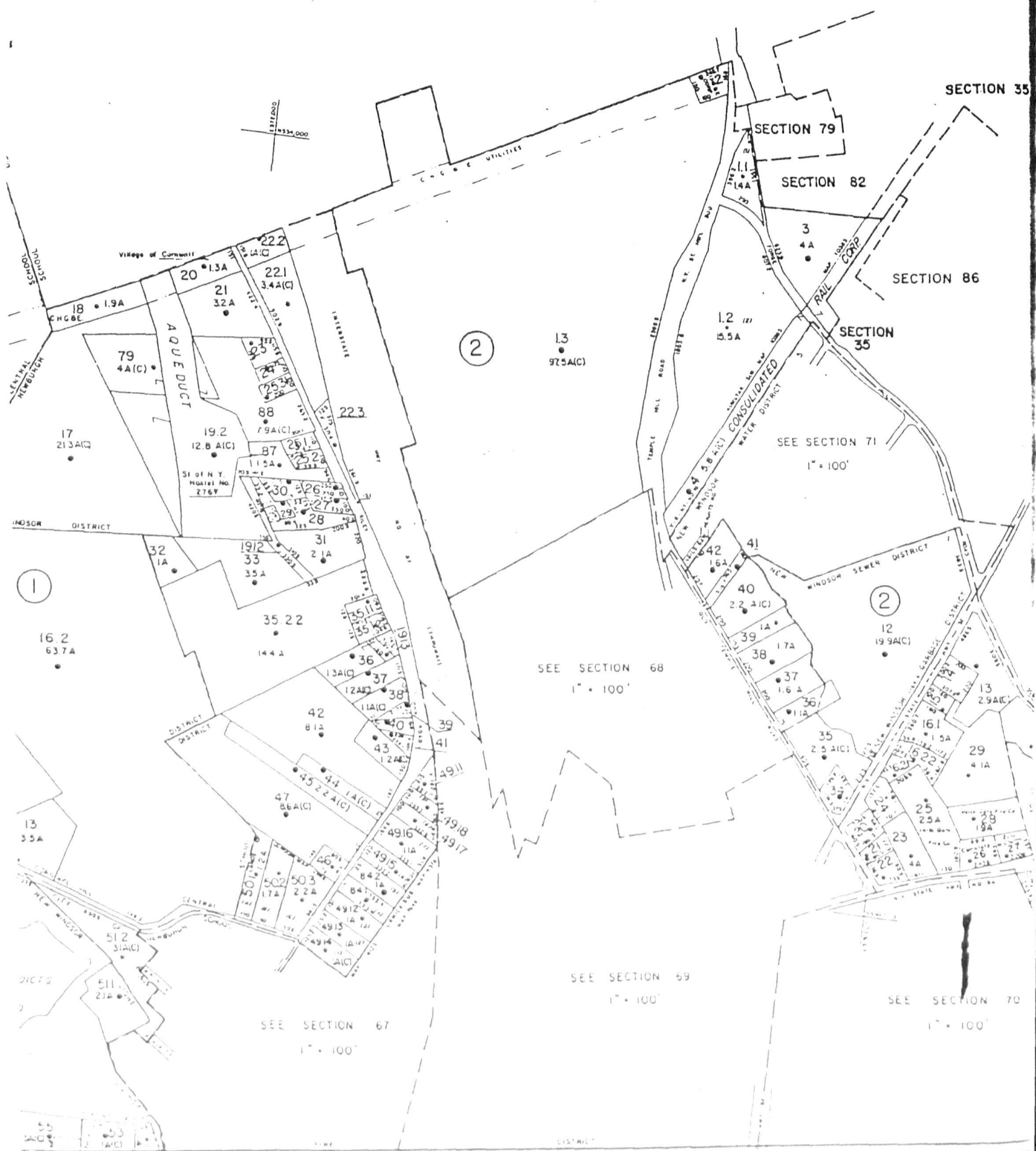
MR. BERMAN: It's nice to visit but I understand you have other things to do.

MR. KRIEGER: Those are the criteria on which the state has mandated that the Zoning Board of Appeals must decide. So, if you would address yourself to those criteria when you make your public presentation, that would be helpful.

MR. BERMAN: Terrific, I'll be advised when that will be?

MS. BARNHART: When you bring the paperwork back to me, then we can schedule it.

SECTION 35



54 OF 52 CORNWALL

ORANGE COUNTY-NEW YORK

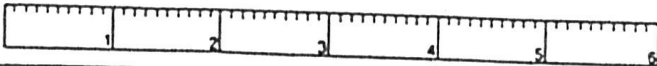
TOWN OF NEW

1. FIELD PLAN BLOCKING	2. 2
3. FIELD PLAN LOT NO.	4. 1
5. STATE HIGHWAYS	6. 1
7. COUNTY HIGHWAYS	8. 1
9. TOWN ROADS	10. 1

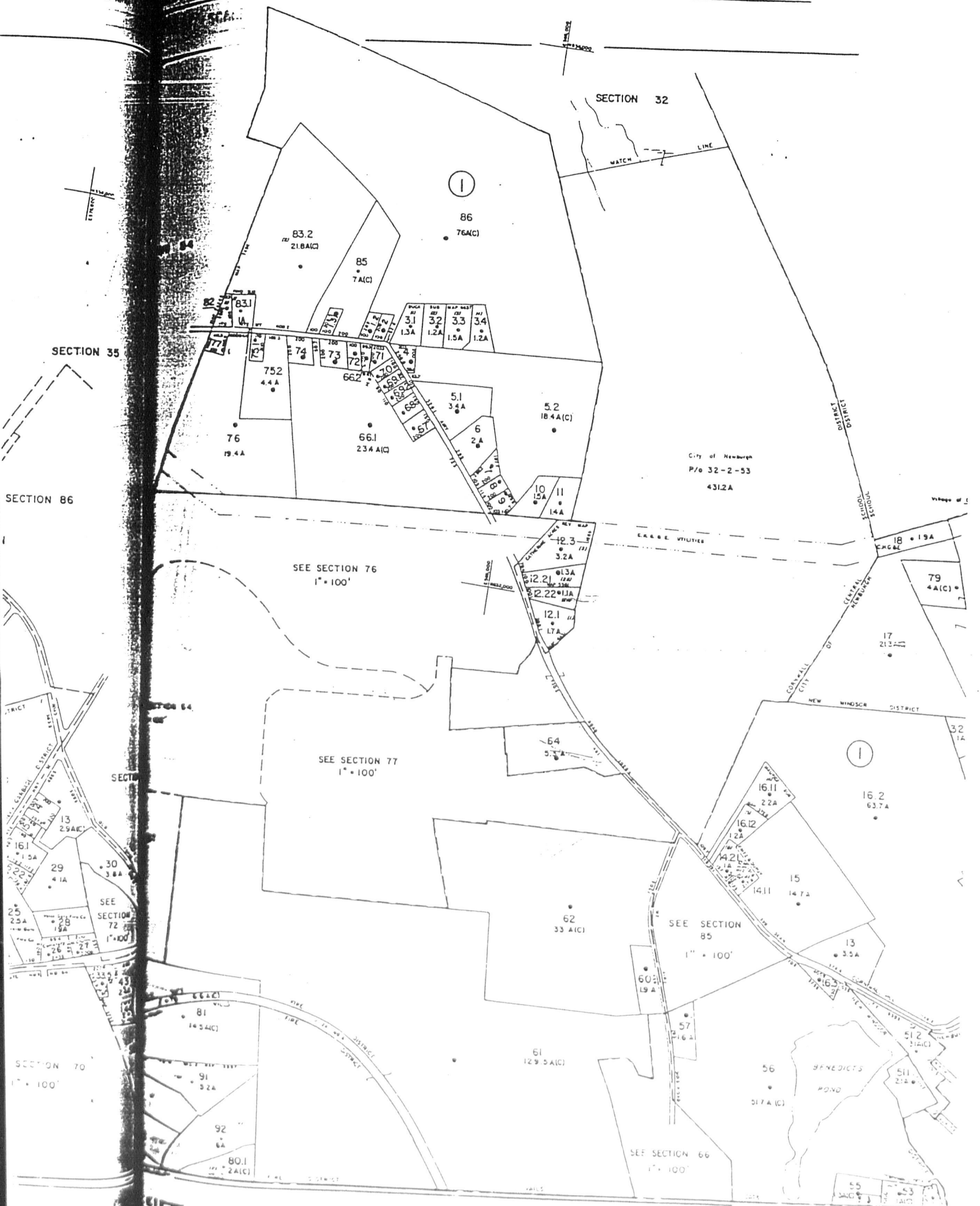
Photo No. 15-46, 7-343 Date of Map 9-24-57
 Date of Photo 3-1-53 Date of Revision 3-1-53
 Scale 1" = 100'

Section No. 65

SCALE IN 1/10 OF AN INCH



1-8



TOWN 54 OF 52			
LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	WATCH LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS